

7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
Pearce OF New Mexico,
OR H is DESIGNEE, DEBATABLE FOR 10 MINUTES.

**AMENDMENT TO H.R. 2262, AS REPORTED
OFFERED BY MR. PEARCE OF NEW MEXICO**

Add at the end the following:

1 **TITLE _____—MINERAL COM-**
2 **MODITY INFORMATION AD-**
3 **MINISTRATION**

4 **SEC. __01. SHORT TITLE.**

5 This title may be cited as “Resources Origin and
6 Commodity Knowledge Act”.

7 **SEC. __02. FINDINGS, PURPOSE, AND POLICY.**

8 (a) FINDINGS.—The Congress finds the following:

9 (1) Mineral commodities are essential to the
10 United States economy.

11 (2) The United States is the world’s leading
12 user of mineral commodities.

13 (3) Mineral commodities processed domestically
14 accounted for \$478,000,000,000 in the United
15 States economy in 2005.

16 (4) The value of imports of raw and processed
17 mineral commodities totaled \$103,000,000,000 in
18 2005.

19 (5) The Board of Governors of the Federal Re-
20 serve uses mineral commodity information data and

1 reports to calculate the indexes of industrial produc-
2 tion, capacity, and capacity utilization, which are
3 among the most widely followed monthly indicators
4 of the United States economy.

5 (6) Manufacturers and consumers of mineral
6 commodities in the United States depended on for-
7 eign countries for 100 percent of 16 mineral com-
8 modities and for more than 50 percent of 42 mineral
9 commodities that are critical to the United States
10 economy.

11 (7) The Department of Defense requires min-
12 eral commodity information on strategic minerals to
13 manage the National Defense Stockpile.

14 (8) Mineral specialists assist the Department of
15 State fulfill United States obligations under the
16 Clean Diamond Trade Act (19 U.S.C. 3901 et seq.)
17 and as a signatory to the Kimberly Process Certifi-
18 cation Scheme, which is a multinational effort to
19 stop the flow of conflict diamonds.

20 (9) New and innovative uses of minerals are
21 vital to maintaining the high quality of both the nat-
22 ural environment and human environment in the
23 United States.

24 (10) Knowledge and understanding of mineral
25 mining, processing, and usage, both domestically and

1 internationally, is important for maintaining the na-
2 tional security and economic security of the United
3 States.

4 (b) PURPOSES.—The purpose of this title is to create
5 the Mineral Commodity Information Administration to en-
6 sure information vital to the United States economy, do-
7 mestic security, and the high quality of life enjoyed by all
8 residents of the United States continues to be provided
9 to the many customers that rely upon the data.

10 (c) POLICY.—The Congress declares that—

11 (1) it is in the national interest to maintain and
12 disseminate information on domestically produced
13 mineral commodities, regardless of ownership of the
14 reserves and resources involved; and

15 (2) it is in the national interest to maintain and
16 disseminate information on international mineral
17 commodities, reserves, and resources, international
18 mineral industry activities, and international mineral
19 commodity markets.

20 **SEC. __03. ESTABLISHMENT OF MINERAL COMMODITY IN-**
21 **FORMATION ADMINISTRATION.**

22 (a) ESTABLISHMENT.—There is established the Min-
23 eral Commodity Information Administration, which shall
24 be under the general direction and supervision of the Sec-
25 retary of the Interior and shall not be affiliated with or

1 be within any other agency or bureau of the Department
2 of the Interior.

3 (b) ADMINISTRATOR.—The management of the Ad-
4 ministration shall be vested in an Administrator, who shall
5 be appointed from by the President, by and with the ad-
6 vice and consent of the Senate, from among individuals
7 who have outstanding qualifications with a broad back-
8 ground and substantial experience in the mineral indus-
9 tries and in the management of mineral resources.

10 (c) OTHER OFFICIALS AND EMPLOYEES.—

11 (1) IN GENERAL.—There shall be in the Admin-
12 istration an Associate Administrator and 4 Assistant
13 Administrators who shall perform, in accordance
14 with applicable law, such functions as the Adminis-
15 trator shall assign to them in accordance with this
16 title. The functions the Administrator shall assign to
17 the Assistant Administrators shall include the fol-
18 lowing functions:

19 (A) Commodity information and analysis,
20 including development and maintenance of—

21 (i) historical and current mineral com-
22 modity information, including the degree of
23 import dependence of the United States;

24 (ii) international mineral commodity,
25 reserve, and resource information;

1 (iii) domestic mineral commodity, re-
2 serve, and resource information by State,
3 county, and region;

4 (iv) material flow and recycling anal-
5 ysis, showing disposition in the United
6 States of mined materials into stocks in
7 use, waste, and residuals; and

8 (v) ongoing analysis of United States
9 mineral commodity exports, and analysis of
10 imports of mineral commodities and proc-
11 essed materials of mineral origin that are
12 destined for consumption in the United
13 States, categorized by the country of ori-
14 gin.

15 (B) Global mineral supply analysis for crit-
16 ical commodities of greatest long-term concern,
17 including collecting and developing—

18 (i) location, reserve, resource, tech-
19 nology, and economic data for major dis-
20 covered deposits;

21 (ii) engineering and cost, mini-feasi-
22 bility studies on the most significant de-
23 posits; and

1 (iii) supply analyses combining the en-
2 gineering and economic data on groups of
3 deposits.

4 (C) Mineral materials technology assess-
5 ment including tracking worldwide research, de-
6 velopment, and utilization of advanced tech-
7 nologies that will permit discovery of new de-
8 posits, mining and processing of minerals from
9 lower-grade deposits, and recovery of minerals
10 from waste streams.

11 (D) Mineral industry analysis, including
12 the continuing assessment and analysis of
13 events, trends, and issues affecting the minerals
14 sector of the domestic economy, including explo-
15 ration spending and activity, mineral production
16 trends, mineral stocks and inventories, merger
17 and acquisitions activity, and labor and work-
18 force trends.

19 (E) Data acquisition and analysis, includ-
20 ing management of data collection, statistical
21 analysis, analytical forecasting and modeling,
22 and regular data quality assessments.

23 (F) Information systems and services, in-
24 cluding information technology management,

1 publications and production dissemination, and
2 library services.

3 (G) External affairs, including congres-
4 sional and legislative liaison, communications,
5 and public affairs, and international and inter-
6 governmental affairs.

7 (H) Budget, financial, and human resource
8 management, including budget and financial
9 management, human capital management, em-
10 ployee training, professional development, pro-
11 curement and contract management, and small
12 business support.

13 (2) TRANSFER OF EXISTING POSITIONS.—With-
14 in 30 days after the date of the enactment of this
15 Act, the Secretary of the Interior shall transfer to
16 the Administrator the following positions:

17 (A) UNITED STATES GEOLOGICAL SUR-
18 VEY.—From the United States Geological Sur-
19 vey, not less than 200 full-time equivalent posi-
20 tions, including all filled and unfilled commodity
21 and country specialists within the United States
22 Geological Survey Minerals Information Team
23 immediately before the enactment of this Act.

24 (B) DEPARTMENT OF INTERIOR, GEN-
25 ERALLY.—From the Department of the Interior

1 generally not less than 100 full time equivalent
2 positions of an administrative nature, including
3 communications and public affairs specialists,
4 congressional and legislative liaison specialists,
5 human resources personnel, librarians, adminis-
6 trative assistants, information technology man-
7 agement specialists, publication service special-
8 ists, and budget analysts.

9 (3) SUBSEQUENT APPOINTMENTS.—The Ad-
10 ministrator may appoint such employees as may be
11 necessary to positions that are transferred under
12 paragraph (2), but vacant on the date of the trans-
13 fer of the positions. Such appointments shall be sub-
14 ject to the provisions of title 5, United States Code,
15 governing appointments in the competitive service.
16 Such positions shall be paid in accordance with the
17 provisions of chapter 51 and subchapter III of chap-
18 ter 53 of such title relating to classification and
19 General Schedule pay rates.

20 (d) WRITTEN AND ELECTRONIC MATERIALS.—The
21 Secretary of the Interior shall transfer to the Adminis-
22 trator all existing written and electronic materials under
23 the control of the Department pertaining to mineral com-
24 modities and mineral resources, including mineral com-
25 modity time series data, library materials, maps, unpub-

1 lished data files, and existing mineral commodity reports
2 prepared or held by the United States Geological Survey
3 and its predecessor agency, the Bureau of Mines.

4 **SEC. 04. DUTIES OF THE ADMINISTRATOR.**

5 (a) MINERAL COMMODITY DATA AND INFORMATION
6 PROGRAM.—The Administrator shall carry out a central,
7 comprehensive, and unified mineral commodity data and
8 information program to collect, evaluate, assemble, ana-
9 lyze, and disseminate data and information regarding min-
10 eral resources and reserves, mineral commodity produc-
11 tion, consumption, and technology, and related economic
12 and statistical information, that is relevant to the ade-
13 quacy of mineral resources to meet demands in the near
14 term and longer term future for the Nation's economic
15 and social needs.

16 (b) MINERAL COMMODITY DATA TIME SERIES.—

17 (1) IN GENERAL.—The Administrator shall con-
18 tinue to maintain all existing mineral commodity
19 data time series maintained by the Department of
20 the Interior immediately before the enactment of
21 this Act, and shall develop such new mineral com-
22 modity data time series as the Administrator finds
23 useful and proper after consulting with other Fed-
24 eral and State agencies and the public.

1 (2) PUBLIC COMMENT.—The Administrator
2 shall—

3 (A) provide for public review and comment
4 regarding all mineral commodity data time se-
5 ries maintained by the Department of the Inte-
6 rior immediately before the enactment of this
7 Act, by not later than 15 years after such date
8 of enactment; and

9 (B) seek public comments on a continuing
10 basis on the adequacy and accuracy of any time
11 series added after the date of the enactment of
12 this Act, not later than 5 years after the incep-
13 tion of such new series.

14 (c) PROJECTIONS OF SUPPLY AND USAGE PAT-
15 TERNS.—

16 (1) IN GENERAL.—The Administrator shall—

17 (A) not later than 3 years after the date
18 of the enactment of this Act, prepare and make
19 available to the public an analysis of projected
20 mineral commodity supply and usage patterns
21 by the United States at 10, 25, and 50 year in-
22 tervals following such date of enactment; and

23 (B) update such analysis and make it pub-
24 licly available every 5 years thereafter.

1 (2) CONSIDERATIONS.—In preparing such anal-
2 yses, the Administrator shall take into consider-
3 ation—

4 (A) market trends;

5 (B) geopolitical considerations; and

6 (C) the reasonably foreseeable advances in
7 basic industries, high technology, material
8 sciences, and energy usage.

9 (d) ANNUAL REPORT.—The Administrator shall an-
10 nually publish and submit to the Congress a report on the
11 state of the domestic mining, minerals, and mineral rec-
12 lamation industries, including a statement of the trend in
13 utilization and depletion of the domestic supplies of min-
14 eral commodities.

15 (e) MINERAL COMMODITY REPORTS.—The Adminis-
16 trator—

17 (1) shall continue to prepare and distribute all
18 series of mineral commodity reports prepared and
19 published by the Bureau of Mines and the United
20 States Geological Survey as of the date of the enact-
21 ment of this Act, including—

22 (A) all volumes of the Minerals Yearbook;

23 (B) Mineral Commodity Summaries;

24 (C) Mineral Industry Surveys;

25 (D) Metal Industry Indicators;

1 (E) Nonmetallic Mineral Product Industry

2 Indexes;

3 (F) minerals supply analyses for selected

4 commodities;

5 (G) material flow studies and recycling re-

6 ports; and

7 (H) Historical Statistics for Mineral and

8 Material Commodities;

9 (2) may develop, prepare, and publish addi-
10 tional reports related to mineral commodities as the
11 Administrator considers appropriate.

12 (f) ANALYSIS WITH RESPECT SUSTAINING ENERGY
13 USAGE.—

14 (1) IN GENERAL.—The Administrator of the
15 Mineral Commodity Information Administration
16 shall, in 2007 and each year thereafter, following the
17 issuance of the Annual Energy Outlook analysis pre-
18 pared by the Administrator of the Energy Informa-
19 tion Administration, prepare and publish an analysis
20 of the foreign and domestic mineral commodities
21 that will be required by the United States to sustain
22 the energy supply, demand, and prices projected by
23 such Annual Energy Outlook analysis.

24 (2) JOINT AGREEMENT.—The Administrator of
25 the Energy Information Agency and the Adminis-

1 trator of the Mineral Commodity Information Ad-
2 ministration may, at their sole discretion, enter into
3 a joint agreement for preparation of a unified anal-
4 ysis to meet the requirements of this paragraph.

5 (g) OTHER APPROVAL NOT REQUIRED.—The Ad-
6 ministrators—

7 (1) shall not be required to obtain the approval
8 of any other officer or employee of the United States
9 in connection with the collection or analysis of any
10 information; and

11 (2) shall not be required, prior to publication,
12 to obtain the approval of any other officer or em-
13 ployee of the United States with respect to the sub-
14 stance of any analytical studies, statistical, or fore-
15 casting technical reports that the Administrator has
16 prepared in accordance with law.

17 **SEC. 05. EXCEPTIONS TO INFORMATION AVAILABILITY.**

18 (a) IN GENERAL.—Notwithstanding section 552 of
19 title 5, United States Code, and except as provided in sub-
20 section (b), data and information provided to the Adminis-
21 trator by persons or firms engaged in any phase of mineral
22 or mineral-material production or large-scale consumption
23 shall not be disclosed outside of the Administration in a
24 nonaggregated form in such a manner as may disclose
25 data and information supplied by an individual or other

1 person, unless such person authorizes such disclosure after
2 the person is provided notice and an opportunity to object.

3 (b) DISCLOSURE TO FEDERAL DEFENSE OR HOME-
4 LAND SECURITY AGENCIES.—The Administrator may dis-
5 close nonaggregated data and information to any agency
6 of the Department of Homeland Security or the Depart-
7 ment of Defense, upon written request by the head of the
8 agency for appropriate purposes.

9 **SEC. 06. ADVISORY COMMITTEE.**

10 (a) ESTABLISHMENT.—Not later than 90 days after
11 the date of enactment of this Act, the Administrator shall
12 establish an advisory committee to be known as the Min-
13 eral Commodity Advisory Committee.

14 (b) FUNCTIONS.—The Advisory Committee—

15 (1) shall respond to all questions referred to it
16 by the Administrator regarding any matter related
17 to the activities authorized by this title;

18 (2) shall undertake such studies and inquiries
19 as are necessary to provide answers, advice, and rec-
20 ommendations on matters referred to it by the Ad-
21 ministrator; and

22 (3) in carrying out such studies, may seek in-
23 formation from individuals, business enterprises, col-
24 leges, universities, and any State or Federal agency.

1 (c) PARTICIPATION IN REVIEWS OF MATERIALS.—

2 The Administrator shall invite the Advisory Committee to
3 participate in any public review of materials prepared pur-
4 suant to section __04.

5 (d) MEMBERSHIP.—

6 (1) IN GENERAL.—The Advisory Committee—

7 (A) shall consist of 15 individuals ap-
8 pointed in accordance with paragraph (2); and

9 (B) shall include—

10 (i) one representative from each of a
11 mineral exploration company, a metallic
12 mineral producer, an industrial mineral
13 producer, and an aggregate producer;

14 (ii) one representative from each of
15 the State geologists, mining labor organi-
16 zations, and the mining finance industry;

17 (iii) two representatives from small
18 businesses;

19 (iv) three representatives from manu-
20 facturing industries; and

21 (v) three purchasing professionals.

22 (2) APPOINTMENT.—The Administrator shall
23 appoint the members of the Advisory Committee
24 from among individuals who—

1 (A) are not officers or employees of the
2 Federal Government; and

3 (B) are United States citizens.

4 (3) TERM.—Each member of the Advisory
5 Committee shall be appointed to serve a term of 4
6 years.

7 (e) ORGANIZATION AND MEETINGS.—The Advisory
8 Committee—

9 (1) shall select a Chairman and Vice-Chairman
10 from among its members;

11 (2) shall organize itself into such subcommit-
12 tees as the members determine to be necessary; and

13 (3) shall meet not less than 2 times each year.

14 (f) COMPENSATION AND EXPENSES.—Subject to the
15 availability of appropriations, each member of the Advi-
16 sory Committee—

17 (1) shall be compensated at a rate equal to the
18 daily equivalent of the annual rate of basic pay pre-
19 scribed for level IV of the Executive Schedule under
20 section 5315 of title 5, United States Code, for each
21 day (including travel time) during which such mem-
22 ber is engaged in the performance of the duties of
23 the Advisory Committee; and

24 (2) shall be allowed travel expenses, including
25 per diem in lieu of subsistence, at rates authorized

1 for employees of agencies under subchapter I of
2 chapter 57 of title 5, United States Code, while
3 away from the member's home or regular place of
4 business in the performance of services for the Com-
5 mittee.

6 (g) SUPPORT AND RECORDS MAINTENANCE.—The
7 Administrator—

8 (1) shall provide administrative and technical
9 support for the Advisory Committee; and

10 (2) shall maintain the records of the Advisory
11 Committee.

12 (h) FACA.—The Federal Advisory Committee Act (5
13 U.S.C. App.) shall apply to the Advisory Committee only
14 to the extent that the provisions of such Act do not conflict
15 with the requirements of this section.

16 **SEC. 07. DEFINITIONS.**

17 In this title:

18 (1) ADMINISTRATION.—The term “Administra-
19 tion” means the Mineral Commodity Information
20 Administration established by this title.

21 (2) ADMINISTRATOR.—The term “Adminis-
22 trator” means the Administrator of the Administra-
23 tion.

1 (3) ADVISORY COMMITTEE.—The term “Advi-
2 sory Committee” means the Mineral Commodity Ad-
3 visory Committee established by this title.

4 **SEC. __08. AUTHORIZATION OF APPROPRIATIONS.**

5 There is authorized to be appropriated to the Admin-
6 istrator to carry out this title \$30,000,000 for each of the
7 fiscal years through 2008 through 2018.